THE HON'BLE SRI JUSTICE C.V. NAGARJUNA REDDY

WRIT PETITION No. 22493 of 2007

Dated: 25.10.2007

Between:

A. Kishan Rao

… Petitioner

AND

The Secretary,
Regional Transport Authority,
Karimnagar, Karimnagar District
& another.

… Respondents

Counsel for the petitioner : Sri G. Ravi

Counsel for the respondents : Assistant Government Pleader for Transport.

THE HON'BLE SRI JUSTICE C.V. NAGARJUNA REDDY

WRIT PETITION No. 22493 of 2007

ORDER:-

This writ petition is filed for a writ of mandamus to declare the seizure of the vehicle bearing registration No.ABT 8618 belonging to the petitioner under check report dated 10.10.2007 issued by respondent No.2, as illegal.

A Motor Cab (for short, 'the Cab') bearing registration No.ABT 8618 belonging to the petitioner was stopped and checked on 10.10.2007 when it was plying from Koretla to Metpally with eleven passengers. The vehicle was seized under check report prepared on the same date wherein it is mentioned that the Cab was carrying eleven passengers without any documents (permit) apart from the driving licence having not been produced. The present writ petition is filed questioning the said seizure.

At the hearing, learned Assistant Government Pleader for Transport produced a copy of the show cause notice dated 24.10.2007 issued by respondent No.1 wherein a sum of Rs.10,560/- is demanded towards the tax and penalty for the period from 30.06.2005 to 31.12.2007.

Learned counsel for the petitioner submitted that the petitioner is not liable to pay any part of the tax demanded. He further stated that since the vehicle is under seizure for a considerable time, the petitioner's livelihood will be affected and

the condition of the vehicle gets deteriorated if it continues to be in the custody of the respondents. Learned counsel therefore offered that the petitioner will make payment of the amount demanded in the show cause notice without prejudice to his right to contest the show cause notice.

Learned Assistant Government Pleader says that if the petitioner makes payment of the said amount, there can be no objection for the release of the Cab, pending passing of the final orders by respondent No.1.

Having regard to the aforementioned facts, the writ petition is disposed of with a direction that as and when the petitioner deposits the sum of Rs.10,560/- with respondent No.1 towards the proposed tax and penalty shown in the show cause notice dated 24.10.2007, the Cab bearing registration No. ABT 8618 shall be released to him. The payment of the said amount shall not be understood to mean that the petitioner has admitted the violations contained in the show cause notice and the same is without prejudice to his right to contest the same. No order as to costs.

As a sequel to disposal of the writ petition, WPMP.No.29216 of 2007 filed by the petitioner for interim relief is disposed of as infructuous.

_____

C.V. NAGARJUNA REDDY, J

Date: 25.10.2007
ES